

## **FISCAL NOTE FOR NON-CAPITAL PROJECTS**

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### **Legislation Title:**

AN ORDINANCE relating to the SR 520, I-5 to Medina: Bridge Replacement and HOV Project; authorizing the execution and delivery of an amendment to the Bryant Site Real Estate Purchase and Sale Agreement between the University of Washington and the City of Seattle; authorizing the execution and delivery of a deed of access rights to the Washington State Department of Transportation (“WSDOT”); authorizing execution and delivery of a correction deed and amended temporary easement in connection with the conveyance to WSDOT of certain City property under Ordinance 124247 and superseding said ordinance insofar as in conflict herewith; and ratifying and confirming prior acts.

### **Summary of the Legislation:**

This proposed legislation approves an amendment to the Bryant Site Real Estate Purchase and Sale Agreement UW – City of Seattle (PSA) and authorizes the Superintendent of Parks and Recreation to execute the amendment on behalf of the City. The amendment ensures payment to the City of the environmental mitigation funds at the time of closing rather than after the new park is developed and makes minor modifications in the legal description for the Bryant Site resulting from the lot boundary adjustment process used to segregate the site from a larger parcel. This ordinance also authorizes the Superintendent to execute a quitclaim deed of access rights on behalf of the City to WSDOT, allowing WSDOT to restrict access to and from East Montlake Park and the Arboretum onto SR 520 and to extend the duration of a temporary construction easement previously granted to WSDOT, to accommodate delays in the State’s project. Finally, the ordinance authorizes the Superintendent to execute a correction deed that corrects an error in the legal description of the former MOHAI land conveyed by the City to the State and an amended temporary construction easement that accounts for delays in the commencement of the SR 520 West Approach Bridge North (WABN) project. Compensation for the property conveyed by correction deed and temporary easement has previously been received by the City.

### **Background:**

By Ordinance 124323, October 16, 2013, the City entered into a three-party agreement with the University of Washington (UW) and WSDOT. The agreement called for the exchange of certain City-owned property at the Arboretum and East Montlake Park for the “Bryant Site” property owned by the UW (located at NE Boat Street at the foot of Brooklyn Avenue) and included a Purchase and Sale Agreement between the UW and the City for the Bryant Site acquisition. The City is acquiring the Bryant Site as replacement for park property that is being acquired by

WSDOT for the widening of SR 520. The property WSDOT acquired had been improved with funding from the federal Land and Water Conservation Fund (LWCF). Section 6(f) of the LWCF Act requires replacement of LWCF-improved land removed from park use. The City and UW were joint beneficiaries of a LWCF grant for improvements to the Arboretum Lakeside Trail, a portion of which is located on the acquired property.

The proposed Amendment to the Purchase and Sale Agreement consists of three components:

1. A new recital requested by UW which signals UW's compliance with RCW 28B.20 concerning replacement of UW holdings at the Arboretum.
2. Revisions to Section 2.3, which clarifies that the City will receive an agreed UW environmental remediation payment of \$2,389,500 at the closing of the Bryant Site conveyance rather than when the new park project is completed.
3. Revised Exhibit A, Legal Description of Bryant Site and Exhibit E, Deed, which reflect minor changes in the legal description that resulted from the Lot Boundary Adjustment process used to segregate the site from a larger parcel and approved title exceptions.

NOTE: The National Park Service formally approved the SR520 conversion and replacement by the Bryant Site on May 22, 2014.

Additionally, the proposed ordinance authorizes the execution of a correction deed and amended temporary easement previously executed under the authority of Ordinance 124247. The correction deed is necessary to correct an error in the legal description for the land sold to the State and formerly occupied by MOHAI at McCurdy Park. The amended temporary easement is for construction in McCurdy Park and is necessary since WSDOT's WABN project has been delayed. The City has already received compensation for the property that is the subject of the revised deed and easement.

Lastly, the proposed ordinance authorizes the Superintendent to execute a quitclaim deed of access rights, only, in favor of WSDOT, from park land at East Montlake Park and the Arboretum immediately adjacent to the SR 520 right-of-way. These rights, which prevent public access to the highway, are generally addressed at the time of the transfer of property but due to a State oversight, the access rights were not previously conveyed. This quitclaim deed has no financial consequences and merely rectifies a prior oversight.

There are no negative consequences to the City from any of the actions contemplated by this ordinance.

  X   **This legislation does not have any financial implications.**

       **This legislation has financial implications.**

**Other Implications:**

**a) Does the legislation have indirect financial implications, or long-term implications?**

Yes. One of the amendments ensures the City will receive the mitigation funds of \$2,389,500 at the time of closing, rather than when the new park at the Bryant Site is completed. The current agreement was ambiguous regarding the timing of the funds coming to the City. Also, failure to pass this legislation could result in delays and increased costs to the State's SR 520 project.

**b) What is the financial cost of not implementing the legislation?**

Without the amendment, there could be a delay in the City receiving the mitigation funds and since there is requirement that the Bryant Site be developed within five years of the conveyance of the 6(f) properties, the City might be required to find development funds from other sources.

**c) Does this legislation affect any departments besides the originating department?**

No.

**d) What are the possible alternatives to the legislation that could achieve the same or similar objectives? There are none.**

**e) Is a public hearing required for this legislation?**

No

**f) Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?**

No

**g) Does this legislation affect a piece of property?**

Yes

**h) Other Issues: None**

**List attachments to the fiscal note below:**